

SUMMARY ANALYSIS OF AMENDED BILL

Franchise Tax Board

Author: Murray Analyst: Kimberly Pantoja Bill Number: SB 86

Related Bills: See Original Analysis Telephone: 845-4786 Amended Date: 09/03/99

Attorney: Patrick Kusiak Sponsor:

SUBJECT: FTB Include Voter Registration Information in PIT Return Pamphlet of Instructions

DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.

AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of the bill as amended August 16, 1999.

FURTHER AMENDMENTS NECESSARY.

DEPARTMENT POSITION CHANGED TO _____.

REMAINDER OF PREVIOUS ANALYSES OF BILL AS INTRODUCED December 7, 1998 AND AS AMENDED April 19, 1999, and August 16, 1999 STILL APPLIES.

OTHER - See comments below.

SUMMARY OF BILL

This bill would require the Franchise Tax Board (FTB) to provide voter registration information provided by the Secretary of State (SOS) to taxpayers by either:

- including an insert prepared by the Secretary of State containing voter registration information in the pamphlet of instructions that accompanies personal income tax returns; or
- providing space for the voter registration information in the pamphlet of instructions that accompanies personal income tax returns.

This bill also would require every state agency to continually make available voter registration cards in a conspicuous location in any office where the public regularly conducts business with the agency.

This bill also would make changes to various code sections not administered by the FTB.

SUMMARY OF AMENDMENT

The September 3, 1999, amendment deleted a provision requiring the Department of Corrections to provide voter registration forms to every person upon release from prison. This change does not affect the department.

The August 30, 1999, amendment changed the date requirement for when the Employment Development Department must include the voter registration information in the benefit checks. This change does not affect the department.

Board Position:

<input checked="" type="checkbox"/> S	<input type="checkbox"/> NA	<input type="checkbox"/> NP
<input type="checkbox"/> SA	<input type="checkbox"/> O	<input type="checkbox"/> NAR
<input type="checkbox"/> N	<input type="checkbox"/> OUA	<input type="checkbox"/> PENDING

Department/Legislative Director Date

Geoff Way for J. Rosas 9/10/1999

The remainder of the department's analyses of the bill as introduced December 7, 1998, and as amended April 5, 1999, April 19, 1999, and August 16, 1999, still applies. The remaining implementation and technical concerns are provided below.

Implementation Consideration

By its definition of "voter registration information," the Elections Code provision in this bill would require the Secretary of State to give the department a notice to print on the envelope which transmits the income tax instruction booklet or an insert to be placed in the booklet. However, the Revenue and Taxation Code provision in this bill allows the department either to include an insert or provide space in the instructions for the personal income tax returns. The department currently prints voter registration information in the text of the instruction booklet. The contradiction between the two provisions raises concerns over whether the department can continue to print the information in the text of the instruction booklet. Amendment 2 has been provided to clarify that the department can provide voter registration information in the pamphlet of instructions.

Technical Consideration

As drafted, the bill could be interpreted to require the FTB to provide voter registration information to taxpayers by September of each year. Amendment 1 would clarify that the SOS shall provide the notice to the FTB no later than September of each year so that the FTB can include the notice in instruction booklets printed in October and November for distribution to taxpayers in January of the following year.

BOARD POSITION

Support.

At its March 23, 1999, meeting, the Franchise Tax Board voted 2-0 to support this bill, as amended January 21, 1999.

Analyst	Kimberly Pantoja
Telephone #	845-4786
Attorney	Patrick Kusiak

FRANCHISE TAX BOARD'S
PROPOSED AMENDMENT TO SB 86
As Amended August 30, 1999

AMENDMENT 1

On page 5, line 4, after "provided" insert:
to the Franchise Tax Board

AMENDMENT 2

On page 5, strike lines 12 and 13 and insert:
section, means a notice printed on an envelope, an insert, or in a pamphlet of
instructions informing a recipient that he or she may obtain